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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
WILDER, PETER C	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,939	CUI ET AL.	
	Examiner	Art Unit	
	Peter C. Wilder	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-27,29 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-8,10-27,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-3, 5, 10-12, 16, 23-25, and 30 are amended

Claims 9 and 28 are canceled.

Claims 4, 6-8, 13-15, 17-22, 26, 27, and 29 are original.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Response to Arguments

Applicant's arguments with respect to claim 19 has been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 and 10-18 and 24-27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge (US 6,718,298) in view of Alanara et al. (U.S. 6816832 B2).

Regarding claim **1**, Judge teaches a method, comprising:

counting an untransmitted frame to determine a count of silence frames (See Col. 3 lines 41-65 and Column 4 lines 9-22);

and storing a silence description frame (See Col. 4 lines 13-16).

Judge fails to teach determining a silence description frame that includes the count of silence frames, wherein the silence description frame has a size equivalent to the size of an active frame.

In an analogous art Alanara teaches determining a silence description frame that includes the count of silence frames (Figure 9 teaches silent description frames with a count (N Elapsed) silence frames), wherein the silence description frame has a size equivalent to the size of an active frame (Figure 9 and Column 2 lines 17-20 teaches active speech frames and silence frames both 20 ms in length, a speech frame has the word speech in it and a silence frame has the abbreviation CN (comfort noise) in it).

At the time the invention was made it would have been obvious for one skilled in the art to modify the untransmitted frame method of Judge using the silence frame count and frame size method of Alanara for the purpose of determining if a new CN/comfort noise parameter should be computed (Column 12 lines 13-19, Alanara).

Regarding claim **2,** Judge teaches the method further comprising: receiving the active frame; and storing the active frame (See Col. 4 lines 12-14).

Regarding claim **3,** Judge teaches the method further comprising decoding a file comprising an active frame and the silence description frame (See Col. 4 lines 8-28).

Regarding claim **4**, Judge teaches the method further comprising receiving a packet describing comfortable noise (Col. 5 lines 8-15).

Regarding claim **5,** Judge teaches wherein said counting an untransmitted frame comprises determining the untransmitted frame represents a silence frame (See Col. 2 lines 29-47).

Regarding claim **6,** Judge teaches wherein said counting an untransmitted frame comprises determining a sequence of frames comprises a silence frame (See Col. 3 lines 41-65).

Regarding claim **7,** Judge teaches wherein said determining a silence description frame comprises determining a pattern to demarcate the silence description frame (See Col. 3 lines 41-67, Col. 4 lines 1-28, SID is determined based on the flag).

Regarding claim **8**, Judge teaches wherein said determining a silence description frame comprises determining a frame to decode as an invalid frame (See Col. 3 lines 31-21 Detecting errors is determining a frame to decode as an invalid frame).

Regarding claim **10**, Judge teaches wherein said storing the silence description frame comprises storing the silence description frame adjacent to the active frame (See Col. 4 lines 8-37).

Regarding claim **11,** Judge teaches an apparatus, comprising:

a network interface (See Fig. 1 Radio 106 Col. 3 lines 5-15); and

a silence description frame filer coupled to said network interface to determine a count of silence frames (See Col. 3 lines 41-65 and Column 4 lines 9-22); and

a data storage device coupled to said silence description frame filer to store a silence description frame (See Col. 4 lines 9-62)

Judge fails to teach that the silence description frame includes the count of silence frames, wherein the silence description frame has a size equivalent to the size of an active frame.

In an analogous art Alanara teaches that the silence description frame includes the count of silence frames (Figure 9 teaches silent description frames with a count (N Elapsed) silence frames), wherein the silence description frame has a size equivalent to the size of an active frame (Figure 9 and Column 2 lines 17-20 teaches active speech frames and silence frames both 20 ms in length, a speech frame has the word speech in it and a silence description frame has the abbreviation CN (comfort noise) in it).

At the time the invention was made it would have been obvious for one skilled in the art to modify the untransmitted frame method of Judge using the silence frame

count and frame size method of Alanara for the purpose of determining if a new CN/comfort noise parameter should be computed (Column 12 lines 13-19, Alanara).

Regarding claim **12,** Judge teaches the apparatus of claim 11, further comprising a decoder to decode a file comprising the active frame and the silence description frame (See Fig. 3 Speech decoder 302).

Regarding claim **13,** Judge teaches the apparatus of claim 11, wherein said network interface comprises a packet-switching interface (See Col. 6 lines 9-21 GPRS has packet switching interface).

Regarding claim **14,** Judge teaches the apparatus of claim 11, wherein said silence description frame filer comprises a microprocessor coupled to said data storage device (See Figs. 1-3, Col. 2 lines 64-67, Col. 3 lines 1-67, Col. 4 lines 1-67).

Regarding claim **15,** Judge teaches the apparatus of claim 11, wherein said silence description frame filer comprises a microprocessor to count an untransmitted frame (See Fig. 1 Microcontroller 117, Col. 4 lines 9-28).

Regarding claim **16,** Judge teaches the apparatus of claim 11, wherein said silence description frame filer comprises the microprocessor to determine a silence description frame (See Fig. 1 Microcontroller 117, Col. 4 lines 9-28).

Regarding claim **17,** Judge teaches the apparatus of claim 11, wherein said data storage device comprises a data storage controller coupled to said silence description frame filer (See Fig. 1 Microcontroller 117, Col. 4 lines 9-28).

Regarding claim **18,** Judge teaches the apparatus of claim 11, wherein said data storage device comprises a memory device coupled to said silence description frame filer (See Fig. 1 Memory 116 Col. 4 lines 9-62).

Regarding claims **24,** Judge a machine-readable medium containing instructions, which when executed by a machine, cause said machine to perform operations (Figure 1 elements 116 and 117), comprising:

counting an untransmitted frame to determine a count of silence frames (See Col. 3 lines 41-65 and Column 4 lines 9-22);

and storing a silence description frame (See Col. 4 lines 13-16).

Judge fails to teach determining a silence description frame that includes the count of silence frames, wherein the silence description frame has a size equivalent to the size of an active frame.

In an analogous art Alanara teaches determining a silence description frame that includes the count of silence frames (Figure 9 teaches silent description frames with a count (N Elapsed) silence frames), wherein the silence description frame has a size equivalent to the size of an active frame (Figure 9 and Column 2 lines 17-20 teaches

active speech frames and silence frames both 20 ms in length, a speech frame has the word speech in it and a silence frame has the abbreviation CN (comfort noise) in it).

At the time the invention was made it would have been obvious for one skilled in the art to modify the untransmitted frame method of Judge using the silence frame count and frame size method of Alanara for the purpose of determining if a new CN/comfort noise parameter should be computed (Column 12 lines 13-19, Alanara).

Referring to claims **25, 26, 27, 29** and **30,** claims **25, 26, 27, 29** and **30,** are machine-readable medium claims corresponding to method claims 2, 5, 7, 8 and 10, respectively. Thus, claims **25, 26, 27, 28, 29** and **30** are discussed and rejected according to claims 1, 2, 5, 7, 8 and 10.

Claims 19, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 5890109) in view of Yoshikawa (U.S. 5241535).

Regarding claim **19,** Walker teaches a system, comprising:

a packet transmitter (Figure 2 element 118); and

a silence description frame filer coupled to said packet transmitter (Column 2 lines 64-67 and Column 3 lines 1-13 teaches non-real time playback or filing of a signal and Column 4 lines 32-67 and Column 5 lines 1-5 teaches encoding silence frames in the stream).

Walker fails to teach a variable-size packet transmitter.

In an analogous art Yoshikawa teaches a variable-size packet transmitter (Column 8 lines 66-67 and Column 9 lines 1-5).

At the time the invention was made it would have been obvious for one skilled in the art to modify the packet and silence description frame filer system of Walker using the variable packet size transmitter system of Yoshikawa for the purpose of effection encoding processing useful for stabilizing the quality of the decoded signal on a receiver side (Column 4 lines 49-53 and lines 60-67 and Column 5 lines 1-9, Yoshikawa).

Regarding claim **20**, Walker teaches a decoder coupled to an output device (Figure 3 elements 116, 112, and 110).

Regarding claim **23**, Walker teaches the system of claim 19, wherein said silence description frame filer comprises microprocessor to store a silence description frame (Figure 2 element 116, Column 2 lines 64-67, and Column 3 lines 1-13 teaches non-real time playback or filing of a signal; Figure 4, Column 4 lines 32-67, and Column 5 lines 1-5 teaches encoding silence frames in the stream).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 5890109) in view of Yoshikawa (U.S. 5241535) further in view of Alanara et al. (U.S. 6816832 B2).

Regarding claim **21,** Yoshikawa teaches system of claim 19, wherein said variable-size packet transmitter comprises a microprocessor to encode active audio in a packet (Figure 2 and Column 11 lines 6-12 teaches a cellulating unit which formats/processes information into cells based on a code train of each band signal and Column 8 lines 66-67 and Column 9 lines 1-20 and Figure 2 element 115 a transmitter/output terminal).

Walker and Yoshikawa fails to teach audio in a fixed size packet.

In an analogous art Alanara teaches audio in a fixed size packet (Column 2 lines 17-20 and Figure 9).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined systems of Walker and Yoshikawa using the fixed size packet of Alanara for the purpose of being able to use a GSM system which is a standardized system across Europe so its convenient.

Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 5890109) in view of Yoshikawa (U.S. 5241535) further in view of Auyeung et al. (U.S. 5486863) further in view of an Examiner's Official Notice.

Regarding claim **22**, Yoshikawa teaches a variable size packet transmitter (Column 8 lines 66-67 and Column 9 lines 1-20).

Walker and Yoshikawa fail to teach a packet transmitter comprises a microprocessor to encode a video difference in a fixed-size packet.

In an analogous art Auyeung teaches a transmitter comprises a microprocessor to encode a video difference (Column 2 lines 55-60, Column 3 lines 41-44, and Column 3 lines 58-60).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined systems of Walker and Yoshikawa using the video difference system of Auyeung for the purpose of reducing the bandwidth required to transmit the video signal.

Walker, Yoshikawa, and Auyeung fail to teach the system of claim 19, wherein said packet transmitter encodes video in a fixed-size packet.

The examiner takes official notice that is well known for packets to be a fixed size of 188 bytes because of transport streams used to carry the packets therefore it would have been obvious for one skilled in the art to modify the combined systems of Walker and Yoshikawa, and Auyeung for the purpose of using fixed size packets for motion or still image to conform to motion transport protocols.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PW

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600